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The introduction to this historical survey notes that the Federal educational legislation of 1965--the Elementary and Secondary Education Act and the Higher Education Act--did not in fact represent the kind of "breakthrough" claimed for these two measures. The Federal government had been involved in educational legislation even before the Morrill Act of 1862 which established the land grant colleges. Moreover, the acts of 1965 were not even a "conceptual breakthrough," for Federal aid began in the early years of the nation. The document presents material on Federal aid before and after 1860. (NH)

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A HISTORY OF FEDERAL AID TO EDUCATION, 1785-1965

by John J. Whealen, Ph. D.

UD 008 789

Materials and Research Branch
Equal Educational Opportunities Program
Office of Education

EQUAL EDUCATIONAL OPPORTUNITIES
PROGRAM COLLECTION

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of government gives force to public opinion, it should be enlightened.

Washington's Farewell Address

My own belief is that the Federal Government should assist those States desiring to put a floor under essential services in relief, in medical care, in housing, and in education. Apart from the general humanitarian interest in achieving this result, equality of opportunity lies at the basis of this Republic. No child can begin to have equality of opportunity unless he has medical care in his youth, adequate food, decent surroundings, and, above all, effective schooling. It is the concern of the entire Nation to see that the principles of the Declaration of Independence and of the Constitution are translated into reality.

Senator Robert A. Taft
April 9, 1947

It looks like the kids is where the money ain't.

Anonymous

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Introduction

In 1965, the Congress of the United States passed and the President of the United States signed two most important pieces of educational legislation. The first of these was the Elementary and Secondary Education Act of 1965 which authorized the U. S. Office of Education to disburse some 1.3 billion dollars to approximately 90% of the nation's 28,000 school districts. The second was the Higher Education Act of 1965 which authorized the same agency to disburse approximately 845 million dollars to assist the nation's 2,300 institutions of higher learning and their 5.9 million students.

Now in both their magnitude and approach there is no doubt but that these two pieces of educational legislation did represent what has been called by educators and columnists alike a "breakthrough" in the history of the Federal Government's role in education throughout the United States. Congress had, after all, passed for the first time in its history a general aid bill for elementary and secondary schools; and Congress had, again for the first time, passed a general aid bill for institutions of higher learning in the United States.

In this respect, therefore, President Lyndon B. Johnson can hardly be accused of exaggerating the situation when he declared upon signing the first of these two bills that the

measure represented a "major new commitment of the Federal Government to quality and equality in the schooling we offer our young people." The President went on to say that the Members of Congress who had supported the legislation "will be remembered in history as men and women who began a new day of greatness in American society," and that no measure he had "signed, or will ever sign, means more to the future of America." Such strong words as these surely suggest that a "breakthrough" of some importance had indeed taken place.

Once all this has been said, however, two salient propositions should be stated. First, the passage of this legislation was by no stretch of the imagination a "breakthrough" in that it for the first time involved the Federal Government in education. One has but to remember such milestones of Federal educational legislation as the 1862 Morrill Act (land grant colleges), the 1917 Smith-Hughes Act (vocational education), the 1941 through 1965 Impacted Areas Aid, and the 1958 National Defense Education Act to underscore this point. Indeed, it should be recalled that before the passage of the two acts mentioned above, the yearly outlay of the Federal Government for educational assistance across the country and administered by the U. S. Office of Education had reached some 1.5 billion dollars.

The second, and more important, proposition to be stated here is that the embodiment in this legislation -- especially in the

Elementary and Secondary Education Act -- of the idea of general Federal aid to the schools and colleges of this country certainly does not signify any kind of conceptual "breakthrough." That is, the idea that the Federal Government should show concern for, give encouragement to, and, where necessary, actually give financial aid to the "common schools" of America -- and this is what is meant when the controversial phrase "federal aid to education" is used in parlor or bar -- is not a new idea in this country, not even a relatively new idea. It did not begin with the New Deal. It is not the brainchild of twentieth century "collectivist planners." It did not even first see the light of day during the post-Civil War period, although that was a time of crystallization for it.

No, the fact of the matter is that this idea of Federal Aid to Education can be found during the very early years of the American Republic. It shall be the basic purpose of this brief study to trace from those early years to its fuller realization in 1965 the sometimes smooth but more often rough journey of that idea.

Federal Aid to 1860

By the time of the Civil War, the public school system of much of the United States had developed to the point where it was substantially the school system we know today. As Elwood P. Cubberley has said in an oft-quoted passage:

> By the close of the second quarter of the nineteenth century, certainly by 1860, we find the American public school system fully established, in principle at least, in all our Northern States. Much yet remained to be done to carry into full effect what had been established in principle, but everywhere democracy had won its fight, and the American public school, supported by general taxation, freed from the pauper-school taint, free and equally open to all, under the direction of representatives of the people, free from sectarian control, and complete from the primary through the high school, and in the Western States through the university as well, may be considered as established permanently in American public policy.

Two more recent historians of education in the United States -- Lawrence A. Cremin and Freeman R. Butts -- agree:

> There seems little doubt that by the time of the Civil War, the major outlines of the American school system had emerged clearly enough to warrant some generalizations. That the common school had become an essential feature of American life by that time cannot be debated. By 1866 the conception of this institution had crystallized to a point where a Massachusetts court decision was able to define a common school

> as one supported and controlled by the local community, open to all children, and teaching the elementary common branch subjects. Though conditions varied considerably from one part of the nation to another, the beginnings of the grading systems were already in evidence in the cities, while the work of infant school societies had begun to extend the common school downward. In general, children were able to enter somewhere between the ages of four and six, and could stay from five to eight or nine years, depending on the region.
>
> That the common school was to stand as the first rung of an educational ladder stretching all the way through the university was also clear by the time of the Civil War. In many northern and western cities the high school had already begun to displace the academy as the people's secondary school. As has been already mentioned, the fact that the high school came after the common school and was open to qualified graduates of the common school, and embraced both college-preparatory and terminal students, served sharply to distinguish the American system from more traditional European dual systems. With the state universities open to qualified graduates of the high school, the ladder was completed. In some states where rate bills had been entirely removed, a youngster could complete his education from the common school through the university paying little or no tuition. Truly, this was a remarkable development for three quarters of a century.

Now it is not, of course, the basic purpose of this study to tell the story of the growth of that system, exciting as it may be, from the passage of the Massachusetts Bay Colony's "Old Deluder, Satan" Act of 1647 (establishing the principle of publicly supported

elementary and secondary schools) to its crystallization in the immediate post-Civil War period. That has been done, and done well, by many historians of education in the United States* who have told us in meticulous detail how the system began to take real form in the post-Revolutionary period (1787-1815); how it was given a substantial boost during the Jacksonian period (1815-1840) when the rise of universal suffrage brought home to the power structure the intimate connection between stable democracy and an educated citizenry; how it freed itself from sectarian squabbles in the increasingly pluralistic society of the 1840's and 1850's; and how, finally, during this formative period it was so ably led by such educational giants as Horace Mann and Henry Barnard, the latter, incidentally the first United States Commissioner of Education (1867-1870).

What does need to be told here, however, about the growth of this system is the simple truth that "remarkable" a development as it was it did not come about solely through the efforts of local and State governments and the people to whom such political entities are responsive. Considerable Federal aid -- much more than is popularly realized -- contributed in no small way to the formation and maintenance of the public school system on both the elementary-secondary and university levels -- the aid on the latter

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* See bibliography at the end of this study.

level coming, incidentally, long before the highly publicized land grant college law, the 1862 Morrill Act.

Before going into some of the more important details of that aid, however, it would be well to pause here and resolve one question which pops up again and again in any serious discussion of Federal Aid to Education. This is the question of the constitutionality of such aid.

Except for President James Buchanan's 1859 veto on constitutional grounds of the predecessor of the above mentioned Morrill Act, this question was not raised seriously during the pre-Civil War period. (Like laissez-faire, states' rights was a condition, not a theory, before the Civil War.)

From the post-Civil War period to 1960, however, the question of general Federal aid to the schools was constantly before the public. No less than eighteen Congresses considered general Federal aid bills between 1881 and 1960. During that time such aid was consistently opposed by many groups who either sincerely felt it was unconstitutional or who were opposed to it as a matter of policy and used the constitutional argument to buttress their case.

Even today -- after the passage of the Elementary and Secondary Act of 1965 -- it is contended by some and believed by many that such aid is unconstitutional. For instance, as recently as November 29, 1965, Max Rafferty, California State School Superintendent, in a nationally syndicated series devoted his column to the "perils"

of Federal Aid to Education. In the course of that discussion he had this to say:

> This is a classic illustration of why our ancestors reserved certain key powers, including education, to the states and denied them to the federal government.
>
> One thing they did not count on, of course, was the evolution of a Supreme Court which would interpret the Constitution not according to how it was written but according to how the learned judges thought it should have been written. As a result, we have Washington barging into local school districts all across the country and the end is hard even to imagine.

Despite this and other "authoritative" statements, however, there is little or no doubt but that Federal Aid to Education is and has been constitutional. It is true, of course, that the Constitution does not mention education. Indeed, even during the Constitutional Convention of 1787 education was mentioned only once and that was in connection with the establishment of a National University -- something, incidentally, which is still to come into being despite many of the Republic's early Presidents advocating it and no less than twelve Congresses considering it through the nineteenth and early twentieth centuries.

On the other hand, the first power granted to Congress under Article I, Section 8 of the Constitution of the United States -- the laws of which by Article VI of the same document are defined as the "supreme law of the land" -- is the power to tax and spend

for the "general welfare." The existence of this power as a separate power of expenditure independent of the other enumerated powers of Congress was affirmed by the Supreme Court in 1936 (U. S. v Butler, 297 U. S. 1), thereby vindicating Alexander Hamilton's viewpoint. The contrary view, that expenditures could be made only in support of the other congressional powers was expressly rejected.

But what about the Tenth Amendment to the Constitution of the United States? Doesn't it stand as a barrier to Federal Aid to Education? Doesn't it "reserve" education to the States?

The Tenth Amendment to the Constitution adopted in 1791 states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This amendment does not, as is sometimes held, limit the granted powers of Congress. It "states but a truism, that all is retained which has not been surrendered." (U. S. v Darby, 312 U.S. 100). In short, it does not reserve exclusively to the States all powers not expressly given to Congress.

Nor is this a new interpretation of the Tenth Amendment. In the debates over its wording in 1791 Congress explicitly rejected an amendment to it which would have inserted the word "expressly" before the word "delegated," the effect of which would have been to limit Congress narrowly to its enumerated powers. In short, no Bank of the U.S., no Sherman Anti-trust Law, no Meat Inspection

Act, no Labor Relations Act. As James Madison, surely one of the "Founding Fathers," said in 1791 while discussing federal-state relations, "Interference with the powers of the States is no constitutional criterion of the powers of Congress."

One more point should be made here. It was mentioned above that many people have used this fallacious constitutional argument against Federal Aid to Education because they disagree with it as a policy. And they usually disagree with it as a policy because they hold that what made it possible to have an educational system in this country -- an educational system of real vitality and independence -- was the reliance on the "self-reliance" of the local community. Hence reliance on the Federal Government for help in educational matters is a departure from our traditions and will have dire results.

Yet this proposition is simply not historically true, and its falsity should not really be too surprising. For if recent American historiography has done anything at all, it has certainly and most effectively chipped away at the current myth that it was not until the late nineteenth or early twentieth century that Americans began looking to and receiving help from the Federal Government in the solution of their domestic problems. The field of education, as we shall now see, presents no exception to this revelation.

Federal Aid to Education actually antedates the Constitution. By the Treaty of Paris which closed out the American Revolutionary

War, the United States was left with a magnificent and largely unoccupied public domain which stretched roughly from the present Canadian border to the Gulf of Mexico and from the Appalachian Mountains to the Mississippi River.

There were two questions involved with this domain. The first was the question of how it should be sold by the Federal Government for much needed revenue. The second was the question of how it should be governed until the people who migrated into it should be ready for statehood.

The Land Ordinance of 1785 answered the first question. This ordinance provided for the orderly survey and sale of the public domain. Land was to be divided into townships six miles square. Each township had thirty-six sections of 640 acres each. One of these sections was to be set aside for schools.

This practice of granting lands for the support of schools can be traced back to early New England colonial times and from there to England itself. It should also be pointed out that the adoption of a township six miles square similarly reflected early New England practices.

The second question was answered by the famous 1787 Northwest Ordinance. This ordinance very ingeniously provided for the governing of the peoples who settled in that area until States could be carved out of it. The third article of this ordinance states that:

> Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Contrary to what is often thought, the 1787 Ordinance did not grant any lands for educational purposes. Actual land grants for education did come, however, in 1787 in a contract for the sale of 1.5 million acres of land to the Ohio Company of Associates and again in 1788 in a contract for the sale of 1 million acres in southwestern Ohio to John C. Symmes.

Grants under these two contracts were not, however, typical. It was not until April 30, 1802, when Congress approved the enabling act admitting Ohio as a State that a definite land grant policy regarding the common schools of the country was established. All future land and monetary grants to the new States were based on this original grant.

Under this act, section 16 of every township was granted for the use of schools; five per cent of the proceeds of the sale of public land in the State was given for internal improvements; and certain salt lands were given to the State to use as the legislature saw fit. The next year Congress, by law, vested the control of the school section in the legislature of the State, thus settling the question of control of the school system.

Under this Ohio pattern, every public land State admitted to the Union prior to the admission of California (1850) received

one section (16) of every township. California and every subsequent State admitted to the Union received two sections (16 & 36) with the exception of Utah, Arizona, and New Mexico all three of which received four sections (16, 36, 2, & 32) and Oklahoma, which received two sections (16 & 36), plus a $5 million grant, plus certain other grants.

In all, 30 States received in sectional land grants for the common schools alone 80,385,964 acres or 125,568 square miles of the public domain from 1802 until 1912. Alaska and Hawaii, admitted in 1958 and 1959, received no land grants for schools but do receive a percentage of the proceeds from the sale of public lands. This money is specifically earmarked for the common schools.

This practice of granting a percentage of the proceeds from the sale of public lands to the States began, as was seen above, with the admission of Ohio. At first this "five percentum" fund was devoted to internal improvements, namely, roads leading to the States (2%) and roads wholly within the States (3%). Gradually, however, the fund began to be used for the support of the schools. Illinois led the way in 1818 by requesting Congress to let her use the 3% for such a purpose. By 1845 other new States were requesting they be allowed to do the same. Since 1860, the fund has been uniformly specified as for schools. Of the 29 States which received the 5% fund, 16 have been required to use it solely for schools.

Nor is this all. So far we have been speaking solely about

the federal aid given to the States for common school purposes. In addition, 29 States have received a total of 3,406,863 acres for university purposes. These grants began before and are in addition to the land grants begun under the land grant colleges act of 1862 (Morrill Act). Ohio in 1803 and Tennessee in 1806 were the first States to receive such aid. In 1816 a pattern was set when Indiana received two townships (46,080 acres). All public domain States have since received at least this amount. In 1889, the pattern changed and States admitted since then have received substantially larger amounts of acreage.

This brief account of Federal Aid to both the common schools and universities which began before 1860 does not -- substantial as it was -- by any means exhaust the list. In addition to all the aid mentioned above there have been saline land grants, swamp land grants, and massive (500,000 acres to each State) internal improvement land grants, the proceeds from which have in many cases been used not only to establish or build up common school funds, but also for normal schools, universities, reform schools, and asylums for the deaf, dumb, blind, and insane.

When one begins to sum up all of this aid, the figures are truly astounding. As was pointed out above, the common schools received solely from sections 2, 16, 32, and 36 of the townships the total of 80,385,964 acreas of the public domain. But if all land granted for all educational purposes -- or later used for

educational purposes -- is figured, then the public school system of this country received from the Federal Government the whopping total of 175,313,000 acres or 273,000 square miles of the public domain. And this says nothing of the monetary grants.

The effect of all this Federal Aid to Education which -- we must remember -- began before 1860 has been well summarized by Fletcher Harper Swift, one of the leading students of public school finance in this country:

> Although admitting the waste and wanton dissipation which have characterized the management of these funds in many commonwealths, and that it is doubtful whether there is a single state in the Union which can point to an untarnished record, we must not forget that in more than half of the states the management has been honest and painstaking, even when not judicious and scientific. The states more recently admitted have striven, and with a fair degree of success in many cases, to preserve Federal grants and the funds created therefrom. Moreover, however badly managed, these permanent common-school funds created out of Federal grants were the first stable sources of support given to free schools in more than half of the states. In almost every such state the system of free schools was begotten and nurtured by the permanent public-school fund. Through the distribution of the income of these funds, and the requirements attached to receiving the same, schools were maintained in many communities which otherwise would have been without schools. These funds of Federal origin were wheel, ballast, and lever of the states' systems of free schools. They set these systems in motion and kept them going.

It is also often forgotten that these land grants to the new

States greatly stimulated the older States to set up common school funds of their own. The older States, i.e., the original thirteen, did not of course share in the land grants before 1860. Nor, for that matter, did five other States -- Vermont, Kentucky, Maine, Texas, and West Virginia -- either because they were carved out of existing States or because they came into the Union as a sovereign nation.

It is interesting to note that the older States tried to remedy this situation both for their common schools and universities by petitioning Congress in 1819 and 1821 to set up "equalizing" grants. But to no avail. Such grants do not become the pattern until the passage in 1862 of the Land Grant Colleges Act. An examination of this act (Morrill Act) and its successors will be one of the first orders of business in the second section of this study.

Federal Aid Since 1860

By the end of 1965, annual Federal expenditures in education had risen to the awesome total of 8.7 billion dollars scattered over 43 Federal agencies which were engaged in activities ranging from schools operated by the Interior Department for Indian children in the Aleutian Islands to pre-school centers in Harlem financed by grants from the Office of Economic Opportunity. Activities of the U. S. Office of Education alone accounted for some 3.1 billion dollars of this annual 8.7 billion dollar outlay.

Only about one-third to one-half of this 3.1 billion dollars, however, was being devoted to the 1965 Elementary-Secondary and Higher Education Acts. The balance was being devoted to the furthering of various programs of categorical aid -- aid for specific educational purposes -- which the Federal Government has been engaged in since 1862 and which are administered by the U.S. Office of Education.

Now in this section of this brief study of Federal Aid to Education, major attention will be given to the long but ultimately successful struggle to secure general Federal aid for the schools, a struggle which begins in 1870 and ends in 1965. Before getting into that story, however, it would be well to pause here and outline in some detail the major types of categorical aid the Federal Government has been giving to the schools since 1862.

The first and most highly publicized of this type of assistance

is the famous 1862 Morrill Act. Under this program the Federal Government gave to each State 30,000 acres of land or its equivalent in land scrip for each United States Senator and Representative it possessed. The interest from the sale of the land or scrip was to be donated to:

> the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts.

The act definitely encouraged the already existing state agricultural colleges and led to the establishment of many more. By 1890, however, it was becoming obvious that many States were having difficulty supporting such colleges. As a result, Congress passed the so-called Second Morrill Act in 1890. Under this act each State received a flat grant of $15,000. Subsequent additions and amendments to this act have raised the present total annual appropriations by Congress to the 68 existing land grant colleges in the United States and Puerto Rico to 14.5 million dollars a year. Because the original Morrill Act required that any State which accepted its grants had to have an agricultural and mechanical college in existence within five years, it has often been considered as the first instance of "matching" requirements in Federal legislation to support education. Notice also that the act had

overtones of "equalization" in that it took lands from the public domain States and gave them to non-public domain States.

Congress continued to legislate along the lines of vocational education in 1917 with the passage of the Smith-Hughes Act. This legislation authorized grants to the public schools below the college level. Agricultural, trade, industrial, and home economics subjects were to be taught. After being amended and supplemented over the years, the act was finally supplemented in a major way with the passage of the George-Barden Act of 1946. Under these two acts, the annual Federal appropriation for vocational education rose to about 57 million dollars. In 1963, the Vocational Education Act further increased outlays for such education. Under that act, 806 million dollars over fiscal 1964-68 was authorized plus 225 million dollars for every year thereafter. In addition, 150 million dollars over fiscal 1965-68 was provided for work-study and residential vocational school programs.

Between fiscal 1951 and fiscal 1965 Congress, operating under Public Laws 81-874 and 81-815, appropriated the grand total of 3.49 billion dollars for aid to the public schools. At first sight, this may look like general Federal aid to the schools and, of course, to those Congressmen whose school districts benefited from such aid, it was <u>general</u> Federal aid to the schools.

Actually, however, these laws and the aid which flowed therefrom grew out of the Lanham Act of 1940 which had been passed by

Congress to alleviate conditions brought about by the movement of the Federal Government into certain areas prior to and during World War II. The effect of this movement was to "impact" these areas. That is, Federal activities in these areas brought in more families (military personnel and defense workers) but not a proportionate amount of taxable property. The burden on the school districts was quite severe.

Congress responded with the Lanham Act of 1940. At first this act merely authorized the Federal Works Administration to make payments in lieu of property taxes to local governments. As amended in 1941, it provided loans and grants for the construction of schools and for current operating expenses, i.e., salaries.

Through the 1940s the problem remained acute. In 1950 Congress finally passed Public Laws 815 and 874 to provide a more permanent solution to this problem. The Elementary and Secondary Education Act of 1965 in effect extended the authorization made under these two laws in 1964 to two years beyond 1966. As we shall see later, the strategy of tying in impacted areas aid with a general aid bill often makes general aid more palatable to otherwise reluctant Congressmen.

In late 1963, Congress passed the massive Higher Education Facilities Act. The act authorized a five-year program of Federal grants and loans for the construction or improvement of public and private higher education facilities, including community colleges.

That this is a large-scale effort to improve higher education facilities across the country can be seen by the fact that the act calls for an expenditure of about 1.2 billion dollars over the first three years beginning with fiscal 1964.

If this cataloguing of only the major Federal aid programs for specific purposes did no more than show one in concrete terms the deep involvement of the Federal Government in education since 1862, it would be justified on that ground alone. Actually, however, such a cataloguing also makes the story of the struggle for general aid which is to follow more understandable. For the very existence of such categorical aid has, paradoxically enough, both helped and hindered the struggle for general aid. That is, it has helped the proponents of general aid in that it allowed them to argue that there were many precedents for Federal participation in education and that none of these precedents had brought with them the much-dreaded Federal "control," while on the other hand it has helped the opponents of general aid to argue that the Federal Government is doing its duty toward education and nothing further should be done.

This latter argument is used, curiously enough, often by those Congressmen whose districts are already benefiting to a great extent from categorical Federal aid. For instance, it is a matter of record that many of those Congressmen who most vigorously fight against general aid just as vigorously fight for impacted areas aid. The

spector of Federal "controls" when the subject is impacted areas aid -- of which about 60% has gone for teachers' salaries, the payment of which by the Federal Government is sure to bring thought control according to the conservatives -- just simply does not seem to come up.

In this connection, it is also interesting to note that major extensions of already existing categorical aid or major innovations in categorical aid have usually followed intense but unsuccessful attempts to secure general aid. The extension of the Morrill Act in 1890 after twenty years of activity for general aid between 1870 and 1890 had proved unsuccessful, and the passage of the National Defense Education Act of 1958 following the debacle on general aid which took place in the House of Representatives in the mid-fifties are cases in point. It has also not passed unnoticed that Congress put impacted areas aid on a semi-permanent basis in 1950 after the fierce struggle for general aid in the late forties produced nothing -- except bitterness.

The struggle for general Federal aid to the schools which was, of course, going on all the while categorical aid was being passed by Congress began around 1870 and did not succeed until 1965. It has thus been a very long struggle and -- to those proponents of it who saw it as a crucial issue -- has no doubt been a very trying one.

In 1948, for example, when the issue was "hot," Senator Lister

Hill of Alabama arose on the floor of the Senate to plead for the then pending general Federal aid bill. Among other things he said this:

> Mr. President, bills similar to this one have been before the Senate for many years. Volumes of hearings have been taken. If we were to bring into the chamber from the Committee on Labor and Public Welfare the many volumes of hearings, they would be piled high on our desks. Year after year, the committee has held hearings. Year after year, the committee has spent weeks considering the bill, attempting to reconcile differences, attempting to wipe out inequities, attempting to bring forth the best possible bill to provide Federal aid, with the primary responsibility for education still continuing in the states.

The Senator was not exaggerating. As was mentioned above, no less than 18 Congresses since 1881 and up to 1960 considered general aid to education. At the time Senator Hill spoke no less than 11 Congresses before 1948 had considered the subject. Countless witnesses had appeared before the education committees of both houses of Congress in the course of that consideration making the same points over and over again.

Yet nothing had happened. Between 1882 and 1890 the Senate of the United States had debated five general aid bills. In 1884, 1886, and 1888 they had actually passed general aid bills. But in each instance, the House failed to act.

Between 1918 and 1925, many bills concerning Federal educa-

tional policy -- including general aid to the schools -- were constantly before Congress. The shocking discovery by World War I draft boards that 25% of the draftees were illiterates had caused great concern among the public as to the quality of the nation's schools. There was also a growing awareness of the soon-to-be-documented fact that there was a serious lack of equal educational opportunity for the youth of the nation in the several States. Yet none of the bills which attempted to correct these conditions -- even the ones which proposed simply to raise the Office of Education to a cabinet-level status -- was reported out of committee.

Nor is this all. Despite continuing agitation in the 1930s (near the end of which, incidentally, a presidential advisory board on education confirmed the suspicion of a gross inequality of educational opportunity across the country), despite the draft boards of World War II discovering the same appalling illiteracy which had been uncovered in World War I, the Senate of the United States did not even get around formally to debate a general aid bill on the floor until 1943. It did not pass a general aid bill until 1948. In the House of Representatives it was even worse. That body did not even have a formal floor debate on general aid to the schools until 1956. It did not pass its first general aid bill until 1960. And when it did do this, its own Rules Committee would not let the bill go into conference with the Senate which that year had also passed a general aid bill.

In 1948 Senator Hill -- though he was a little impatient to have a general aid bill passed by both houses and signed into law -- at least was justifiably optimistic that general Federal aid to the schools would soon be a reality. For one thing, he felt the ground had been covered and the facts were convincing. As he said as early as 1946, "We have the facts. We know the need. We must have action." For another, the conversion of Senator Robert A. Taft to the cause would do much to stifle opposition motivated either by simple partisanship or exaggerated fears of "federal controls" or "centralization." One wonders, then, what the look on Senator Hill's face would have been like if he had been told in 1948 that he would have to wait exactly 17 more years until he would see a general aid bill passed by both houses of Congress and signed into law by "the teacher who became President."

The paramount question about all this, of course, is why it took so long for a general Federal aid bill to become law -- especially in the twentieth century when the obvious increased mobility of the society of the United States should have made it clear to the public and Congress alike that ignorance can't be quarantined, that equal educational opportunity was of <u>national</u> concern.

There are, of course, many answers to that question and many differences of opinion regarding the causal primacy of each of them. In attempting in this brief study to provide some of those

answers and to assign rank as to cause, it will be convenient to divide the period of the struggle (1870-1965) into two sections: pre-1945 and post-1945.

Aside from the perennial fear of Federal "control" -- sometimes sincerely voiced by conservatives and sometimes insincerely voiced by them to hide the fact that they either did not want to spend the money or that they were afraid the "wrong" things would be taught in rejuvenated schools -- it can in the judgment of the writer be fairly stated that the primary reason for failure before 1945 was apathy on the part of the public and Congress, apathy engendered by ignorance of the situation. In the period from 1945 much of the apathy had disappeared but the latent and emotionally powerful factors of race and religion had appeared on the scene to vastly complicate the issue and become the primary roadblocks to passage.

To say that apathy stemming from ignorance was the primary reason before 1945 for the failure to get Congress to pass a general aid bill is not, of course, to disparage the efforts of those who attempted over these years to arouse the public and the Congress on the issue by enlightening them with the facts. One thinks immediately, for instance, of the valiant efforts of Senator Henry W. Blair of New Hampshire who between 1882 and 1890 introduced and intelligently argued for what can fairly be called the first proposals for general aid bills as we know them today. One thinks also of the splendid testimony given before Congressional educa-

tion committees in the mid-1930s by professional educators, officials of the National Education Association and the U.S. Office of Education, labor representatives, civic groups and the like. But there was no response.

This lack of response can be, of course, to some extent explained if not excused. It was a pretty turbulent time. The nation's painful recovery from the carnage and grief of the Civil War was followed by the agonies of Reconstruction in the South. This was followed by the rise of big business, big immigration, big labor, big cities, all of which brought unprecedented social and political problems with them. The population of the United States zoomed from 31 million in 1860 to 75 million by 1900. By 1914 it had jumped to 100 million and by 1930 was 120 million. The age of big business had been followed by an emotional Progressive Era which in turn had given way to the even more traumatic involvement in World War I. The brief escape to "normalcy" in the 1920s ended with the disastrous depression of the 1930s which in turn ended as the United States found itself fighting for its very existence in World War II. Quality and equality of opportunity in education was of course a concern of Americans in these years but it hardly was in the spotlight -- except to those few people who saw that many of America's problems existed precisely because of our educational insufficiencies.

Racial and religious factors also, of course, contributed to

blocking Federal Aid to Education before 1945. One has but to go back again to the attempted passage of the Blair bills in the 1880s to see this. After the Bourbon Democrats had regained control of the South in the late 1870s, Southern Senators and Representatives showed little interest in federal education bills which would have elevated the freed slaves. And the opposition of the Catholic Church to the Blair bills on the various grounds that Federal aid was bound to bring Federal control, further "secularize" education, and ultimately destroy the parochial system has been seen by many as blocking full consideration of those proposals. But apathy remains as the dominant roadblock of the period.

This situation began to change and to change rapidly immediately prior to the 1945-65 period of the struggle. In early 1938, President Franklin D. Roosevelt's Advisory Committee on Education made its report. This report documented what had been long suspected and, indeed, already documented by private groups. First, there was a substantial inequality of educational opportunity among the several States. Second, many States which had very low per capita incomes were actually spending more of their tax dollar on education than States with higher per capita incomes. Third, with their lower resources it was almost impossible for those States which were exerting greater effort to close the gap, to match the expenditures per child of the richer States or even match the national average expenditure per child. (This was of course also true in the early

1960s. In 1960, for example, the national average per pupil expenditure was $432. New York spent $645; Mississippi spent $230. Yet Mississippi was spending 6.9 per cent of the personal income of its people for all levels of public education while New York was spending only 4.1 per cent.)

The committee report, which concluded with a recommendation for a general aid bill, was followed by other revelations and events which further dissipated the apathy of the public and Congress toward general aid. On December 8, 1941, the United States entered World War II. As in World War I, draft boards were soon discovering appalling illiteracy among the draftees. Moreover, as the war wore on more and more teachers -- in the very States which needed them most -- were leaving their low-paying positions for the more lucrative jobs available in the defense plants.

The advisory board's recommendations were incorporated into legislation introduced in the Senate in April, 1938. Between that time and 1943, however, none of the bills considered reached the Senate floor. In this latter year a bill sponsored by Senators Elbert D. Thomas (Utah) and Lister Hill (Alabama) was debated for six days. It was finally sent back to committee, however, after the adoption of an amendment proposed by Senator William Langer (North Dakota) which prohibited discrimination on the basis of race, creed, or color in the expenditure of State funds which were to be supplemented by appropriations under the pending bill. The Langer

Amendment and its result were symbolic of the increasing problems general aid bills would face because of the racial situation in the South and the increasing criticism of the inequities existing in the so-called "separate, but equal" method of running schools in that area.

Yet general aid would not down. In 1944 the Democratic National Convention included a platform plank endorsing Federal Aid to Education. In 1946 Senator Robert A. Taft (Ohio) changed his mind on the issue and in 1947 came out in favor of it. In early 1948 President Harry S. Truman recommended it to Congress. On April 1, 1948, the Senate passed by a 58-22 vote the Thomas-Hill-Taft bill. The House of Representatives did not consider the bill.

Hopes ran high among the proponents of general aid that in 1949 both houses of Congress would pass such a bill. In the summer of 1948 both major parties endorsed Federal Aid to Education. After President Truman's stunning victory in the fall of 1948 and his message to the 81st Democratic Congress which called strongly for Federal Aid to Education as an integral part of his "Fair Deal," it looked as if general Federal aid would come at last in 1949.

At that point the "fun" began. The Senate on May 5, 1949, passed substantially the same general aid bill it had passed in 1948. In the House of Representatives consideration of the school bill was duly given to that body's Committee on Education and Labor chaired by Representative John Lesinski (Michigan). Lesinski appointed

a subcommittee to consider the school bill. The committee was chaired by Representative Graham A. Barden (North Carolina). By a 10-3 vote the subcommittee on June 9, 1949, approved a bill introduced by Barden authorizing grants but only to public elementary and secondary schools. As a result of this action, a bitter religious controversy over the question of Federal aid to the parochial schools of the nation ensued. So bitter was this controversy that it effectively stalled general Federal aid for some years to come because of the "hot potato" aspect of Federal aid to non-public schools.

Since this issue would flare up again in 1961, it will be wise to pause here and examine what the basic problem was and how the Barden bill exacerbated it.

In the Senate consideration of the bill, the inevitable question of whether or not Federal aid could go to private schools had come up as it had many times before. It was generally -- and rightly -- agreed that no money could go directly to such schools. However, under the bill money could be used for supplementary services to such schools in those States which allowed their own funds to be so used. In short, it was the "home rule" approach to the problem. The policy was also in line with a recent Supreme Court decision (Everson v Board of Education, 330 U.S. 1) which had held that the establishment clause of the First Amendment made applicable to the States by way of the due process clause of the Fourteenth

Amendment was not breached when a State provided bus transportation to both public and private schoolchildren. In the debate in the Senate before final passage of the bill, an amendment was offered which would have restricted use of the funds of the bill to public schools only. It was defeated by a vote of 3-71.

Since the Barden bill would have allowed none of the funds to go to non-public schools even in those States which allowed their own funds to go to such schools, it soon became the center of a religious controversy. Barden was denounced as a bigot by Chairman Lesinski and by Francis Cardinal Spellman of New York; and when Mrs. Eleanor Roosevelt in her newspaper column came out strongly for separation of church and state, she and Cardinal Spellman engaged in an ugly public controversy. The end result of all this was that no general Federal aid bill was reported out of the full House Committee on Education and Labor and the whole issue became a touchy one. In 1950 Congress avoided the whole issue by simply making impacted areas aid semi-permanent by passing Public Laws 815 and 874.

Through the 1950s, the struggle for general Federal aid was equally frustrating. The presence of the touchy issue of aid to the private schools was bad enough, but the lukewarm approach of the Eisenhower Administration to general Federal aid -- even if restricted to school construction only -- coupled with the tactic of withholding Federal funds from those public schools which showed

no intention of complying with the momentous 1954 Supreme Court decision (Brown v Board of Education, 347 U.S. 483) outlawing segregation in the public schools made a bad situation worse.

Although some attempts were made in the early 1950s to obtain passage of general Federal aid bills, no real excitement concerning the issue was again generated until the report of the 1955 White House Conference on Education endorsed on December 1 Federal financial aid to education. As a result of this, both President Dwight D. Eisenhower and the Democratic majority in the House proposed Federal aid bills. In an effort to avoid the religious controversy, both bills restricted the aid to school construction. The Eisenhower bill was attacked by educators and Democrats alike as being too weak and as being essentially a loan measure. The Democrats' bill contained not only loan provisions but also a direct grant of 400 million dollars a year for four years. It was thus a compromise between the restrictive Administration program and the more liberal NEA proposals. It certainly would have done much to alleviate the 300,000 classroom shortage, a shortage which even President Eisenhower admitted in 1955 existed.

At the outset of the debate on this bill, there seemed to be a fair chance of its passing. The final vote, however, was 194-224 against passage. There were two basic reasons for this failure. First, Republican opposition to the measure was unexpectedly strong: 75 for,119 against. Second, the adoption early in the debate of

an amendment to the bill proposed by Representative Adam C. Powell (New York) to deny funds to States failing to comply with the desegregation decisions of the Supreme Court strengthened Southern Democratic opposition. The Democratic vote, for instance, was 119 for, 105 against. The Powell Amendment was, of course, voted for by many conservatives in order to insure the defeat of the bill. For example, 96 of the Republicans who voted against passage of the bill had voted for passage of the Powell Amendment. It is significant that ardent supporters of the bill, such as the AFL-CIO and the NEA, vigorously opposed the amendment on the grounds that it would kill the bill.

In 1957 the House tried again, this time by backing an Eisenhower proposal similar to the one he had submitted in 1956. When this bill looked like it might pass even though an avowed foe of Federal aid -- Representative Stuyvesant Wainwright of New York -- had succeeded in inserting a "Powell" amendment, Republicans opposed to the measure attempted to confuse matters by getting the Democrats to agree to an earlier and even more conservative Eisenhower bill. To their surprise, the astute Democrats, desirous of getting some kind of bill, agreed. At this point with passage likely, Representative Howard Smith of Virginia, a man not often accused of being a flaming liberal, moved to strike the enacting clause of the bill, i.e., kill the bill. The preferential motion passed 208-203. The political breakdown on the vote: D 97-126; R 111-77. Federal aid

was dead for that year.

After the 1958 passage of the National Defense Education Act, general Federal aid lay dormant until 1960. In that year both houses of Congress passed a general aid bill. The House bill, incidentally, was passed by a vote of 206-189 despite its being burdened with the Powell Amendment. But since the Senate bill called for aid for construction and teachers' salaries as well as containing an equalization formula and the House bill called for aid for school construction only and contained no equalization formula, a conference between the two houses became necessary. At this point the Rules Committee of the House voted against a conference with the Senate! General Federal aid was now dead until after the Presidential campaign and election of 1960.

As in 1949, hopes ran high in 1961 that general Federal aid to the schools was now to come into being. John F. Kennedy with a deep committment to Federal aid -- including teachers' salaries -- had been elected President; both houses of Congress had the previous year voted for general Federal aid; Adam Clayton Powell had agreed not to propose his amendment; and, early in 1961, the heretofore troublesome Rules Committee of the House was enlarged from 12 to 15 members in order that its conservative members could be outvoted, 8-7.

Despite all the high hopes, however, general Federal aid was incredibly not to come in 1961. The basic reason was the flare-up

of the long smoldering religious schools issue which had defeated general aid in 1949.

Since the Kennedy Administration was committed to general Federal aid to the public schools only, it tried to get its bill through Congress by openly suggesting that it would welcome Congress aiding the private schools by broadening the loan provisions of the NDEA to include loans to private schools for constructing classrooms in which science, mathematics, foreign languages, and physical fitness could be taught. Title III of NDEA -- due to expire in June of 1962 -- already allowed loans to private schools to buy equipment to teach such subjects.

For awhile this strategy seemed to be working. On May 25, 1961, the Senate passed by a vote of 49-34 the general aid bill unamended after 8 days of debate. On June 1, 1961, the House Education and Labor Committee reported the bill out of committee and sent it to the Rules Committee. Shortly afterwards, the Rules Committee also received from the House Education and Labor Committee the amended NDEA bill and the President's higher education bill. On July 18, 1961, the Rules Committee tabled (killed) all three of these bills by a vote of 8-7. Representative James Delaney, a Catholic and a Democrat from New York, voted with the seven conservatives on the committee. As a result, general Federal aid to the schools was dead for 1961. Congress, however, followed through in characteristic fashion: it extended both the NDEA and the impacted

areas aid for two years.

In 1963 and 1964 Congress did pass some significant educational legislation and some significant legislation bearing on education. In 1963 the Higher Education Facilities Act and the Vocational Education Act were signed into law. And in 1964, Titles IV and VI of the Civil Rights Act of that year allowed the Attorney-General of the United States to force desegregation of schools and colleges; authorized the U.S. Office of Education to give technical and financial assistance to local school districts going through the process of desegregation; and made school districts and institutions of learning which practiced segregation ineligible for Federal aid money. These two titles did much to pave the way for general Federal aid bills by removing the need for the Powell Amendment.

It was not, however, until the Spring of 1965 that the first general Federal Aid to Education bill for the "common schools" was passed by Congress and signed into law by the President.** The Fall of that same year saw the first general Federal Aid to Higher Education bill also brought into being.

At this writing, it may be a little too soon to attempt to give definitive reasons why suddenly general Federal aid became a reality. But with that said, it will be worthwhile to hazard a few.

** For an excellent rundown on this and other current Federal education legislation see Buckman Osborne, "A Schoolman's Guide to Federal Aid," School Management Magazine, June, 1965.

First, the tragic assasination of President Kennedy in late 1963 no doubt gave impetus to his program, a program which even Republican leaders have recently admitted was bound to be passed sooner or later, assasination or no assasination, for the simple reason that its time had come. Secondly, the tremendous Democratic majorities in both houses of Congress as a result of the 1964 presidential election made the forceful leadership of President Johnson that much more effective. Finally the adroit way in which the bill was presented as basically a poverty measure "sold" it to many people in the non-pejorative sense of that word. For this bill with its avowed purpose of helping those people in the ghettos (especially the black ghettos) of our over-crowded cities promised not only finally to do justice to those areas and the people in them but also to get at the causes of the civil disturbances which -- originating in many instances in these ghettos -- were rocking the country in 1963 and 1964 and thus threatening stable democracy.

This approach also had the effect of dampening the fires of the religious schools issue by insisting that it was the under-privileged child, not the school, it was the object of the bill to help. The hearings on the bill revealed an amazing amount of sweetness and light. On the one hand, the National Education Association retreated from its previous adamant position against any kind of aid to private schools. On the other hand, the National Catholic Welfare Conference through its spokesman, Msgr. Frederick G. Hochwalt,

found the bill "encouraging" and indicated "our willingness to cooperate with this legislative proposal." This was a far cry from the 1961 NCWC stance which had angered many Catholics by seeming to threaten to oppose general Federal aid if it didn't get what it -- that is, the hierarchy -- thought was constitutional justice.

Over and above all those possible reasons for the sudden passage of general Federal aid was perhaps one that was most potent of all: the simple, common-sense nagging suspicion among all Americans -- teachers and non-teachers, Negroes and Whites, Protestants, Catholics, Jews, and atheists -- that education in this country on all levels needed some fresh air blown into its many times over-cloistered classrooms and administrators' offices. The massive Elementary and Secondary Education Act and the Higher Education Act were concrete manifestations of the fact that the American people feel that the Federal Government -- as it did in the nineteenth century -- can and should help in that enterprise.

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The following bibliography is not, of course, by any means exhaustive. Rather it is a selection of works which the author feels the average lay reader might wish to consult if he wishes to look into the main events of this brief study in more detail. To get the full flavor of the long fight for general Federal aid to elementary and secondary schools, however, nothing can substitute for the hearings on the various bills before the House Committee on Education and Labor and the Senate Committee on Labor and Public Welfare.

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